

The Office Action first makes a rejection under §112 making reference to the words "substantially, about and generally". The Action asserts that the specification does not provide a standard for ascertaining the requisite degree of meaning of these terms.

The word "substantially" is used in the claims with respect to a comparison of the length of the tape to the width of the tape. It is submitted that the relationship of length to width of a commercial tape product is generally known. Moreover, applicants have provided examples in the specification on page 1, first paragraph under the heading "Background of the Invention" the specification describes the widths and lengths of ordinarily encountered tape products. Thus it is believed that the word "substantially" is justified and made clear by the specification. Moreover, the relationship described is implied by the word "tape." Should the Examiner continue this rejection, it is requested that applicants' attorney be telephoned so that an amendment can be agreed upon.

The word "about" is used in the claim with respect to the thickness of the foam strip. Foams are often compressible. Thickness measurements of foams are therefore somewhat variable in general. It is respectfully submitted that the term "about" properly qualifies the thickness measurement of a foam layer because precision in measuring the thickness of such a layer is simply impossible to achieve. This is particularly the case when the foam layer will be placed upon a rigid core and surrounded in a wrapping operation. Its thickness will change in this operation. The word "about" has been deleted from the recitation of the thickness of the claims because it is implied by the context and therefore redundant.

The word "generally" appears at line 2 in claim 7 with reference to the cylindrical outer wall

of the tape core. The phrase "generally cylindrical" has been deleted as unnecessary.

"Generally" also appears in the phrase "generally cylindrical inner surface" in claim 14. The phrase "generally cylindrical" is deleted herewith as unnecessary.

The Action objects to the phrase "slightly barrel shaped" or "slight barrel shape" in claims 6 and 7. The word "slight" is deleted by this amendment as unnecessary to defining the invention.

The Action next rejects claims 1, 5, 11, 13 and 14 as anticipated by Downing 4,286,729. The Actions asserts that "Downing discloses an adhesive product comprising a hollow cylindrical core having a diameter and a width and an outer surface; a compressible foam strip surrounding the core and a length of adhesive tape having a uniform width and a length substantially greater than the width wound in several turns about the core and the foam strip." Applicants disagree. Referring to the same figure and specification passage pointed to by the Office Action, one sees that Downing describes a tape dispenser in which the tape is actually a series of strips of adhesive backed material secured to a carrier web. This strip, which is called generally the adhesive tape 13, is carried on a core 22. The reference numeral 22 does not appear in the drawings. However, if one looks at Figure 2 of Downing one sees an unnumbered element in cross section in the position normally occupied by the tape core. Applicants submit herewith a copy of sheet 1 of the Downing drawing showing where the missing 22 should be. The Downing dispenser contains this tape on a core between a base member 11 which is card like and a cover element 12 which is a thermoformed sheet of plastic. The cover element 12 includes a bottom wall 25 which lays against the base member 11 inside the tape core. The cover element also includes a top wall 26 which is parallel to the base member but spaced from the base member with the roll of tape held between the base 11 and the top wall 26. A circular

vertical wall 27 connects the bottom wall to the top wall and is inside the tape core 22. Referring now to column 3 starting at line 55, a roll of frictional material is described as carried between the vertical wall 27 (part of the housing) and the inner surface of tape core 22 of the roll of tape. The function of this friction material (which may be foam) is to provide back tension by resisting rotation of the inside of the tape core with respect to the vertical wall 27. Downing does not disclose positioning of a layer of foam between a tape core and the tape wound upon the core.

Claim 1 requires that the compressible foam strip surround the core. Downing has no such structure. Claim 5 depends on claim 1.

Claim 11 requires a core having a foam outer layer. Downing has no such structure. Claim 13 depends from claim 11.

Claim 14 (as amended) requires a tape core having an outer foam layer. Downing has no such structure.

Claims 2-4, 6-10, 12 and 15 are next rejected over Downing in combination with applicants' acknowledged prior art to the effect that transparent tape is often wound upon a cylindrical core with the tape generally equal in width to the width of the core.

With respect to claims 2-4, Downing does not teach the requirement that a compressible foam strip surround the core. This structure is required in all of these claims and the claims therefore are not obvious.

With respect to claim 6, the outwardly bulging surface of the core forming a barrel shape is not seen in the reference nor in the admitted prior art. The Office Action asserts that a change in shape is generally recognized as being within the level of ordinary skill in the art citing In re Rose,

105 USPQ 237 (CCPA 1955). Applicants respectfully traverse. In re Rose does make the statement "the size of the article under consideration ... is not ordinarily a matter of invention." In re Rose makes no such statement concerning shape. Shape is structure. A long thin metallic object of uniform circular cross section is a piece of metal defined by shape. It is a wire. On the other hand, a circular thin sheet of metal having a convex shape is a soup bowl. The only difference between the two is shape. Clearly, a soup bowl is distinct from a wire.

In the present situation, applicant's have found that a barrel shape used in a tape core, which have heretofore not been barrel shaped, provides the advantage of minimizing telescoping problems. A new shape providing novel results in a combination of several elements is provided.

Claims 7-10 require the barrel shape described above and are patentably distinct from the references cited. Moreover, claims 8-10 require the foam layer surrounding the core not seen in Downing. Claim 12 depends from claim 11 which requires a core having a foam outer layer, a structure not seen in Downing.

Claim 15 depends from claim 14 which requires a core having an outer foam layer, a structure not seen in Downing.

With respect to the assertion that Downing teaches a foam ring between the vertical wall and the core, applicant agrees. The foam ring is between the vertical wall of the housing and the core, not between the core and the tape wound upon the core. Therefore, Downing teaches nothing concerning the use of a foam ring between the tape core and the tape wound upon the core to help prevent telescoping.

An earnest effort has been made to place the claims in condition for allowance. Should the

Examiner require anything further, it is requested that he telephone applicants' attorney at the below listed number.

Respectfully submitted,

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VERSION SHOWING CHANGES MADE

Claim 2. (Amended) The adhesive tape product of claim 1, wherein said foam strip is [about] 40 mils (1 mm) thick.

Claim 3. (Amended) The adhesive tape product of claim 1, wherein said foam strip surrounding said core has a total thickness of [about] 40 mils (1 mm).

Claim 4. (Amended) The adhesive tape product of claim 1, wherein said foam strip surrounds said core in a single layer and said foam strip is [about] 40 mils (1 mm) thick.

Claim 6. (Amended) The adhesive tape product of claim 5, wherein said core has an outer surface bulging outwardly near the core's axial center giving said core a [slight] barrel shape.

Claim 7. (Amended) An adhesive tape product comprising:

a tape core having an axial width, said core being hollow with a solid, [generally cylindrical] an outer wall, said outer wall having an outer surface which bulges outwardly at its axial center giving said core a [slight] barrel shape; and,

5 a length of adhesive tape having a uniform width and a length substantially greater than said width wound in several turns about said core.

Claim 9. (Amended) The adhesive tape product of claim 8, wherein said foam strip is

[about] 40 mils (1 mm) thick.

Claim 10. (Amended) The adhesive tape product of claim 9, wherein said foam strip has a [generally uniform] width approximately equal to said adhesive tape width and surrounds said core in a single layer.

Claim 12. (Amended) The adhesive tape product of claim 11, wherein said foam layer is [about] 40 mils (1 mm) thick.

Claim 14. (Amended) An adhesive tape product comprising:
a tape core having an axial width, said core being hollow with a solid, [generally cylindrical] inner surface and [a] an outer foam layer; and,
a length of adhesive tape having a uniform width and a length substantially greater
5 than said width wound in several turns about said core.

Claim 15. (Amended) The adhesive tape product of claim 14, wherein said foam layer is [about] 40 mils (1 mm) thick.